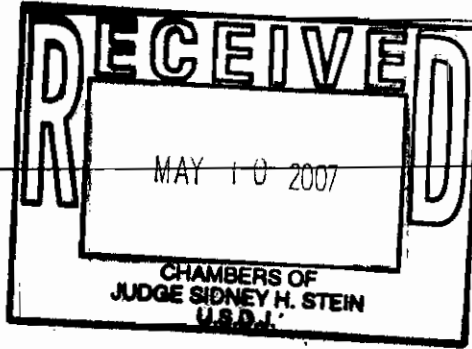


U.S. Department of Justice

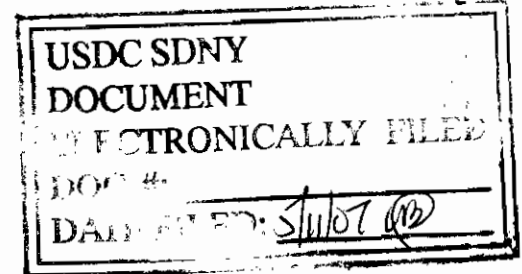


United States Attorney  
Southern District of New York



The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

May 10, 2007



BY FACSIMILE

Honorable Sidney H. Stein  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

RECEIVED

Re: United States v. Elvis Fuentes  
07 Cr. 329 (SHS)

Dear Judge Stein:

On May 8, 2007, counsel for the defendant submitted a motion and accompanying affidavits asking the Court to issue an order suppressing certain evidence in this case. Based on the facts as alleged in the affidavits, it appears that the defendant raises disputed issues of fact such that an evidentiary hearing is required.

At the initial pretrial conference in this matter, the parties scheduled a conference for May 17, 2007, at which time they anticipated that the Court would hold an evidentiary hearing on any motions filed by the defendant, if necessary. However, after reviewing the defendant's motion and contacting the relevant witnesses, I learned that one of the Government's witnesses is unavailable on that date. Specifically, Deputy United States Marshal Nicholas Ricigliano, who was one of the agents present in the defendant's apartment where the search at issue occurred, is unavailable during the weeks of May 14 and May 21, 2007, due to his wedding and honeymoon.

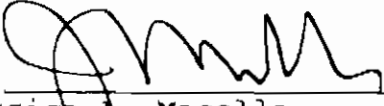
Thus, the Government respectfully requests a short adjournment of the evidentiary hearing, until such time as this witness can be available. I have consulted with counsel for the defendant, and he does not object to this request. In addition,

both parties and the anticipated witnesses are available for an evidentiary hearing on May 31, 2007 or June 11, 2007. If these dates are not convenient for the Court, the parties can supply additional alternative dates.

Thank you for your attention to these matters.

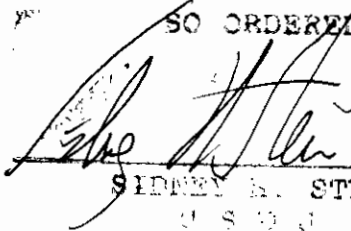
Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney  
Southern District of New York

By:   
Jessica A. Masella  
Assistant United States Attorney  
(212) 637-2288

cc: Jonathan Marks, Esq.

*The hearing is adjourned  
to 5/31/07 at 9:30 a.m.*

SO ORDERED 5/11/07  
  
SIDNEY H. STEIN  
U.S.D.J.